

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RONALD BISHOP,

Plaintiff,

-against-

SHERIFF SPOSATO, MAIL ROOM STAFF,
GRIEVANCE OFFICERS, SGT. CALLAHAN,
CAPT. GILIO, OFFICER THOMAS, OFFICER
LAURINO, JOHN DOE, GRIEVANCE OFFICER,
AND JANE DOE, GRIEVANCE OFFICER,

Defendants.

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FEUERSTEIN, J.

ORDER

13-CV-2764 (SJF)(ARL)

FILED
IN CLERK'S OFFICE
U S DISTRICT COURT E D N Y

★ JUL 22 2014 ★

LONG ISLAND OFFICE

On May 7, 2013, *pro se* plaintiff Ronald Bishop ("plaintiff") filed a complaint against defendants Sheriff Sposato, Mail Room Staff, Grievance Officers, Sgt. Callahan, Capt. Gilio, Officer Thomas, Officer Laurino, John Doe, Grievance Officer, and Jane Doe, Grievance Officer ("defendants"). [Docket Entry. No. 1]. At the time this action was commenced, plaintiff was incarcerated at Nassau County Correctional Facility, 100 Carman Avenue, East Meadow, New York 11554 ("NCCF"). On May 14, 2013, the Pro Se Office for the United States District Court, Eastern District of New York, located at 100 Federal Plaza, Central Islip, New York 11722, sent a letter to plaintiff at NCCF acknowledging receipt of plaintiff's complaint and informing plaintiff, *inter alia*, of his duty to prosecute his case and to keep the *pro se* office informed of any change of address, and warning plaintiff that "[f]ailure to do so may result in your case being dismissed for failure to prosecute pursuant to Fed. R. Civ. P. 41(b)." [Docket Entry No. 5].

On June 20, 2014, this Court converted a previously scheduled conference into a telephone conference, to be held on June 30, 2014, and directed defendants' counsel to notify plaintiff of the conference. Defendants' counsel served plaintiff with a letter on June 20, 2014, informing plaintiff of the information regarding the June 30, 2014 conference and requesting that

plaintiff provide a phone number where plaintiff could be reached on June 30, 2014. [Docket Entry No. 28]. Plaintiff did not respond to defendants' counsel's request for a telephone number.

On June 30, 2014, both defendants' counsel and the Court attempted to reach plaintiff at the telephone number listed on the docket sheet, which was previously updated by plaintiff on January 10, 2014. [Docket Entry No. 26]. A recorded message indicated that the listed telephone number is not accepting calls. Plaintiff has not provided the Court with an updated telephone number or otherwise provided updated contact information to the Court. As a result of plaintiff's failure to provide the Court with his updated contact information, as well as his failure to respond to defendants' counsel's letter dated June 20, 2014, plaintiff was unable to be reached for the June 30, 2014 telephone conference. Thus, plaintiff failed to appear at the conference on June 30, 2014.

On July 1, 2014, this Court ordered plaintiff to show cause, by filing an affidavit by July 18, 2014, why this action should not be dismissed with prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute, and ordered defendants' counsel to serve plaintiff with a copy of the Court's Order to Show Cause. [Docket Entry No. 30]. On July 2, 2014, defense counsel served a copy of the Order to Show Cause upon plaintiff by regular mail and express mail at his last known address – 103 A. Martin Luther King Drive, Hempstead, New York 11550. [Docket Entry No. 31].

In violation of this Court's July 1, 2014 Order to Show Cause, plaintiff did not file an affidavit by July 18, 2014 explaining why this action should not be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Furthermore, plaintiff failed to appear before this Court on July 21, 2014 as directed in the July 1, 2014 Order to Show Cause. [Docket Entry No. 33]. Plaintiff has not notified the Court of a change of address or telephone number or otherwise provided updated contact information with the Court. Accordingly, this action is dismissed in its entirety with prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute this action.

Pursuant to Rule 77(d)(1) of the Federal Rules of Civil Procedure, the Clerk of the Court is directed to serve notice of entry of this order upon all parties to this action in accordance with Rule 5(b) of the Federal Rules of Civil Procedure.

SO ORDERED.

s/ Sandra J. Feuerstein

Sandra J. Feuerstein

United States District Judge

Dated: July 22, 2014
Central Islip, New York